



UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on April 15, 2002.


Mary Ann Copas, Secretary

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In the Application of Günter Wolf et al.

Ser. No.: 09/365,613

Filed: August 2, 1999 (CIP)

For: GRIP FOR PORTABLE, HAND-GUIDED WORKING TOOL AND MOLD
FOR MOLDING SAME

Art Unit: 3209

Examiner: T. Anthony Vaughn

Assistant Commissioner for Patents

Washington, DC 20231

REQUEST TO RESCIND NOTICE OF ABANDONMENT

Dear Sir:

In response to information provided in telephone calls to the US Patent and Trademark Office, Applicants herewith submit evidence showing that the Notice of Abandonment, mailed 08/24/01, was not received in this office.

When a Notice of Abandonment is received, the designated secretary receives the notice, locates the file folder for the application, searches the complete file jacket to determine whether or not the application has been intentionally abandoned, and checks the computer data base to determine the status of the application.

If the application has been intentionally abandoned, the file folder is given to the clerk who tracks and files all documentation related to abandoned files. The clerk files the Notice of Abandonment in the appropriate file jacket and notes in the computer that the Notice of Abandonment was received from the US Patent and Trademark Office.

If the application has not been abandoned, the file jacket with the Notice of Abandonment is given to the US Patent secretary. This person searches the contents of the file jacket to verify that there was no intention to abandon the application, and then drafts the appropriate petition for review and approval by the primary attorney, prior to submission of the petition to the US Patent and Trademark Office.

As shown in the attachments A - C, there is no record of receipt of a Notice of Abandonment. Attachment A is the main computer screen for the above-identified application. Attachment B is the Office Action computer screen for the same application. Attachment C is a copy of the file jacket cover (please note that the latest action noted on the file jacket is the filing of the CIP on 08/02/99). These attachments also show no evidence of receipt of an Office Action dated 09/21/00 or a letter restarting the period for responding dated 01/28/01. Information regarding these two documents was provided by the USPTO together with the Notice of Abandonment Information. We have searched the file jacket for these documents as well and have found no record of receipt of either the Office Action or the Letter restarting the period for responding.

The process for receiving, entering, and tracking an Office Action or Letter is as follows.

In particular, when an Office Action is received, it is given to one secretary to enter into the computer database. It is then duplicated and attached to the corresponding file jacket. The secretary then verifies the entry in the computer database, writes the date of the Office Action on the cover of the file jacket, and gives the file jacket with the Office Action attached to the primary attorney for reporting of the Office Action to the Applicant. The file jacket and the Office Action are then given to a second secretary who prepares the reporting letter for signature, duplicates the reporting letter, files a copy in the file jacket, and sends the reporting letter and copy of the Office Action to the Applicant. The second secretary notes in the computer database "OA TO CL 00/00/00" (00/00/00 indicating the date of the reporting letter). The file is then returned to the first secretary for verification that the "OA TO CL 00/00/00" is correctly entered in the database.

As demonstrated by the attachments cited above, there is no record on the file jacket cover of receipt of an Office Action dated 09/21/00 or a Letter dated 01/28/01, as both of these would have been reflected in the column entitled "Office Actions" on the lines below "Advisory Received". Additionally, the entire file jacket was searched for the Office Action of 09/21/00 and the Letter of 01/28/01, and they were not found.

Also enclosed please find two declarations (Attachments D and E) signed by the individuals who searched the entire file jacket for the missing documents and who have primary responsibility for the receiving and tracking actions detailed above.

Based on the information provided herein and the documents that were not received and are, therefore, missing from the file jacket, it is respectfully requested that

the Notice of Abandonment be withdrawn and the Office Action of 09/21/00 be reissued.

Respectfully Submitted,

Robert W. Becker

Robert W. Becker, Reg. No. 26,255
for applicant(s)

ROBERT W. BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, NM 87059

Telephone: (505) 286-3511
Facsimile: (505) 286-3524

Enclosures:

Attachment A	primary computer screen
Attachment B	office action computer screen
Attachment C	copy of file jacket cover
Attachment D	declaration - Mary Ann Copas
Attachment E	declaration - Rosalie Ann Centeno

IP/Case Tracking System - F:\cts400\rwbdocket.MDB (F:\cts400\FORMS\CTS.FRM.MDB)

File Case Organizations People Reports Current Reminders Help

FlexTrac FlexTrac FlexTrac FlexTrac FlexTrac FlexTrac FlexTrac

U.S. Patent Case (Record Locked to allow your updates)

Record Other Screens Save Contact Items Help

Case Management Application Type

St. Atty: RWB Pri. Atty: RB Admin: PAT

Provisional Design
 Utility Plant

Case No: A90013 Client ID: STIHL List Client Case: JACKISCH

App Serial No: 09/365,613 Filing Date: 7/25/1997 Status: Pending

Title: GRIP FOR PORTABLE HAND-GUIDED WORKING TOOL AND MOLD FOR MOLDING

Date Iss/Abn: Patent No: Patent Expiration Date:

Expiration Date Adjusted.

Reminder List for this Case

Item	Who	Due Date
CIP FILED AUGUST 2, 1999 - USA	PAT	8/2/1999

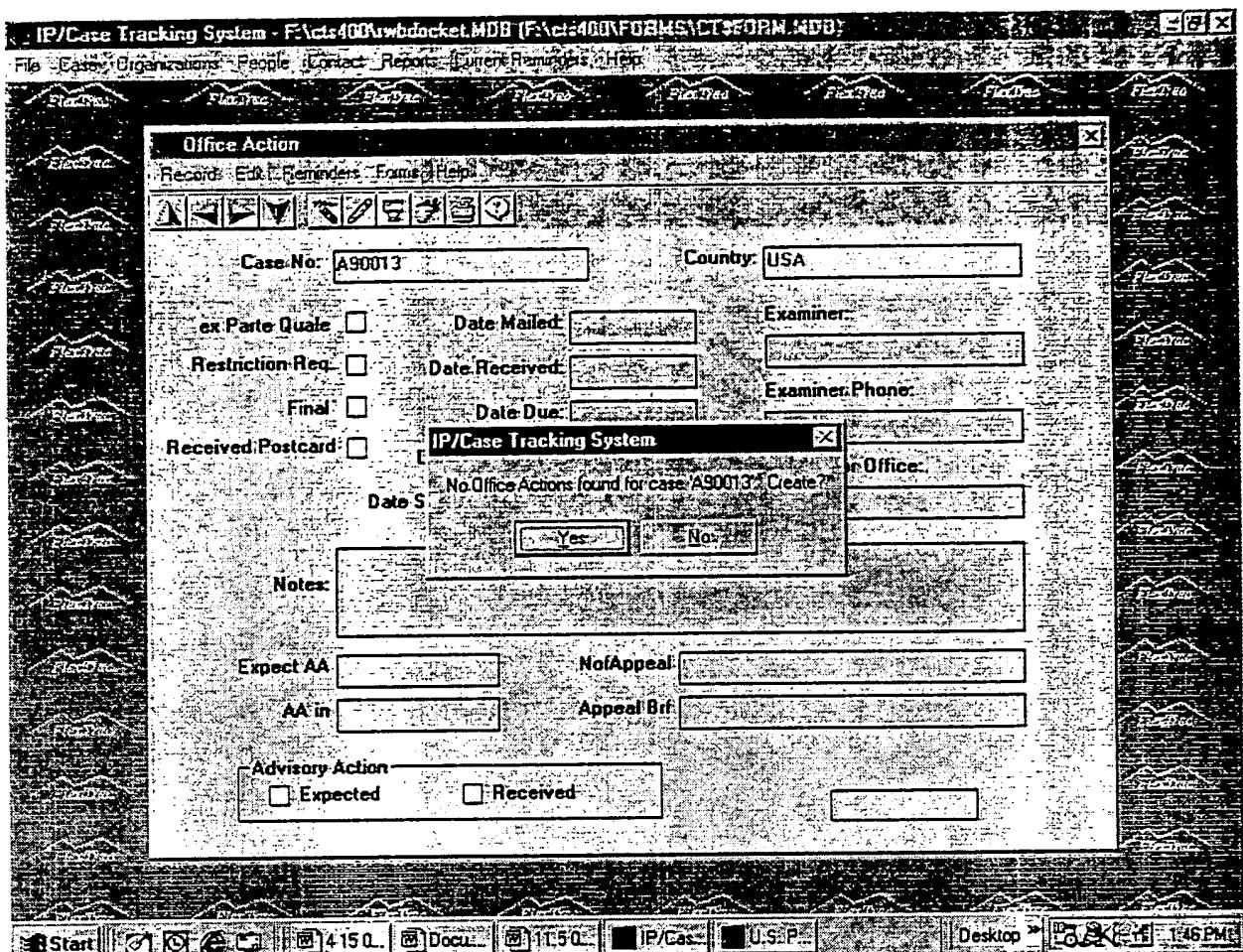
There are 1 Reminder Items for this Case Country: ALL

First Filed Location

U.S. Foreign Country: GERMANY Date: 8/1/1996 Ser #: 19631053.9

Start Desktop 62K 11:47 PM

Attachment A
09/365,613
April 15, 2002 letter



Attachment B
09/365,613
April 15, 2002 letter

✓ 5.75 GEM
✓ Pigeon
C12 4.5 g/t

Inventor Hinter Wolf and Manfred Thaiss

* Title Holder for Portable Hand-Minded Work, T.O. 1 and
Ser. No. 097365,613 Filed July 27, 1959 Renewal Filed _____
Group 3209 Phone (703) 305-0125 Examiner T. Anthony Vaughn
Room 11512 St. 200

Remarks Based on Human 196310539 of 1 August 1991.

Foreign Cases _____

Allowed _____ **Renewal All'd** _____ **Final Fee Paid** _____

ASSIGNMENT Large	INTERFERENCE
Dated _____	Declared _____ No. _____
To <u>Andreas Stihl</u>	Opponent _____
Address <u>Badstrasse 115</u> <u>71336 Waiblingen, Germany</u>	Claim Involved _____
Interest _____	Decision _____
Recorded <u>25 July 92</u> Reel <u>8663</u> Frame <u>0469</u>	_____

9203 PATENT FOLDER

**EXCELSIOR-LEGAL, INC., NYC 10013
(800) 221-2972**

* Title changed for CIP!

Attachment C
09/365,613
April 15, 2002 letter

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the Application of Günter Wolf et al

Ser.No.: 09/365,613 (CIP)

Filed: August 2, 1999 (CIP filing date)

For: GRIP FOR PORTABLE HAND-GUIDED WORKING TOOL AND MOLD FOR MOLDING

Assistant Commissioner for Patents

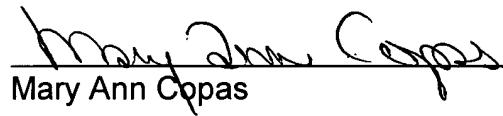
Washington, DC 20231

DECLARATION UNDER 1.68

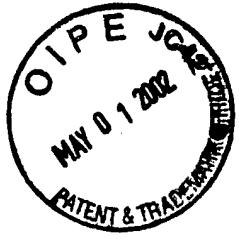
Sir:

I, Mary Ann Copas, secretary in the office of Robert W. Becker, Attorney of Record in the above-mentioned patent application, do hereby declare that I on April 10, 2002, searched the entire file jacket of the above-identified application and did not find a Notice of Abandonment dated 08/24/01, a Letter restarting the period for responding dated 01/28/01, or an Office Action dated 09/21/00. I also am assigned responsibility for logging in Office Actions, Office Letters, and Notices of Abandonment for US Patent Applications. I have no record of any of the communications listed above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of this application, the patent which issues thereon, or any patent to which this verified statement is directed.

Mary Ann Copas 4/15/02
Mary Ann Copas Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the Application of Günter Wolf et al

Ser.No.: 09/365,613 (CIP)

Filed: August 2, 1999 (CIP filing date)

For: GRIP FOR PORTABLE HAND-GUIDED WORKING TOOL AND MOLD FOR MOLDING

Assistant Commissioner for Patents

Washington, DC 20231

DECLARATION UNDER 1.68

Sir:

I, Rosalie Ann Centeno, secretary in the office of Robert W. Becker, Attorney of Record in the above-mentioned patent application, do hereby declare that I on April 11, 2002, searched the entire file jacket of the above-identified application and did not find a Notice of Abandonment dated 08/24/01, a Letter restarting the period for responding dated 01/28/01, or an Office Action dated 09/21/00. I have responsibility for reporting Office Actions, Office Letters, and Notices of Abandonment for US Patent Applications to clients. I have no record of reporting any of the communications listed above.

Attachment E
09/365,613
April 15, 2002 letter

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of this application, the patent which issues thereon, or any patent to which this verified statement is directed.

Rosalie Ann Centeno 4/15/2002
Rosalie Ann Centeno Date